

CRIMINAL COMPLAINT

United States District Court	DISTRICT of ARIZONA
United States of America v. Cristian Alejandro Gutierrez DOB: 1997; U.S. Citizen	DOCKET NO. MAGISTRATE'S CASE NO. 23-06161MJ
Complaint for violation of Title 18, United States Code § 371	
<p>COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:</p> <p style="text-align: center;"><u>COUNT 1</u></p> <p>From a time unknown to on or about August 23, 2023, within the District of Arizona, CRISTIAN ALEJANDRO GUTIERREZ, did knowingly and intentionally combine, conspire, confederate, and agree together with persons known and unknown, to commit offenses against the United States, that is: Smuggling Firearms from the United States to Mexico; in violation of Title 18, United States Code, Sections 544(a).</p> <p style="text-align: center;">Purpose of the Conspiracy</p> <p>The purpose of this conspiracy was to unlawfully acquire firearms here in the United States on behalf of other individuals in Mexico. The firearm acquired in this manner was a M249s, belt-fed, semi-automatic rifle.</p> <p style="text-align: center;">The Means and Methods of the Conspiracy</p> <p>It was part of the conspiracy that the defendant would receive cash from a co-conspirator to purchase certain firearms here in the District of Arizona on behalf of other co-conspirators located in Mexico.</p> <p>It was a further part of the conspiracy that, in purchasing the firearms, the defendant would pay considerably more than market value to acquire weapons for his co-conspirators in Mexico.</p> <p>It was a further part of the conspiracy that certain co-conspirators would provide instructions and guidance to the defendant about the types of weapons to purchase.</p> <p>It was a further part of the conspiracy that, following the firearm purchase, the defendant would transfer possession of the firearm(s) to other co-conspirators who would then transport the weapons into Mexico.</p> <p style="text-align: center;">Overt Acts</p> <p>In furtherance of the conspiracy, one or more of the co-conspirators committed, or caused to be committed, the overt acts described below:</p> <p>On August 16, 2023, the defendant communicated with undercover agents posing as firearm sellers and negotiated with them for the purchase of multiple weapons that the defendant intended to deliver to co-conspirators in Durango, Mexico.</p> <p>On or before August 23, 2023, a co-conspirator gave \$23,000.00 in U.S. currency to the defendant in order to purchase a M249s belt-fed semi-automatic firearm.</p> <p>On August 23, 2023, the defendant arrived at a pre-determined location near Tucson, Arizona and adding \$2,000 of his own money to the \$23,000 given to the defendant from a co-conspirator purchased the M249s from the undercover agents for \$25,000.</p> <p>All in violation of Title 18, United States Code, Section 371.</p>	

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

23-06161MJ

On August 16, Homeland Security Investigations (HSI) Special Agents (SAs), United States Marshal Service (USMS) and Arizona Department of public safety (AZDPS) conducted a dry meet operation. HSI utilized an Undercover Agent (UCA) to conduct this meeting with a subject known to SAs as Cristian LNU. Cristian was later identified as Cristian Alejandro **GUTIERREZ**. Here forward Cristian will be identified as **GUTIERREZ**. During this meeting, HSI UCAs discussed the purchase of multiple firearms including Minis, Bravos, RPDs, SCAR 17s and SP1 rifles. During this meeting **GUTIERREZ** stated to UCAs that the weapons would be headed to Durango, Mexico. Communication and negotiations continued between the UCA's and **GUTIERREZ** over the next few days.

On August 23, 2023, HSI SAs, USMS SA and AZDPS detectives conducted a follow-on operation. On this day, both parties agreed to meet and to complete the weapons transaction. Throughout the day negotiations continued between UCAs and **GUTIERREZ**. **GUTIERREZ** agreed to purchase two M249s belt fed rifles for \$46,000.00. At approximately 1300 hours, UCAs reported to SAs that **GUTIERREZ** only had enough money for one M249s, but **GUTIERREZ** would pay \$25,000.00 for that weapon. SAs decided to complete the deal for \$25,000.00.

At approximately 1734 hours, a dark colored Audi arrived at the Tucson Premium Outlets located at 6401 Marana Center Blvd, Tucson, AZ 85742. **GUTIERREZ** exited the vehicle and began talking with the UCAs. **GUTIERREZ** handed a UCA a Louis Vuitton shopping bag with US currency inside. The money was handed off to another UCA, who went in the parking lot to count the money. **GUTIERREZ** took possession of the M249s and placed into the trunk of the AUDI. The arrest signal was given and HSI SRT effected the arrest on the parties involved.

At the Tucson DSAC office, a count of the monies was conducted. The count revealed the amount of \$25,000.00, which was paid by **GUTIERREZ** to the UCAs as previously negotiated earlier that day.

During a post *Miranda* interview with **GUTIERREZ**, **GUTIERREZ** admitted to being given \$23,000.00 from a subject known as Jesus LNU. **GUTIERREZ** added \$ 2,000.00 USD of his own monies to complete the transaction with UCAs. **GUTIERREZ** was to purchase the M249s and drive it to San Luis, Arizona. **GUTIERREZ** would be paid a total of \$5,000.00 USD to deliver the M249s to Jesus LNU in San Luis, Arizona.

MATERIAL WITNESS(ES) IN RELATION TO THE CHARGE:

DETENTION REQUESTED

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

SIGNATURE OF COMPLAINANT

JOSEPH J MILLIK

Digitally signed by JOSEPH J MILLIK
Date: 2023.08.24 13:52:48 -07'00'

OFFICIAL TITLE & NAME:

Joseph Millik, HSI Special Agent

Subscribed to and sworn before me telephonically.

SIGNATURE OF MAGISTRATE JUDGE¹⁾.

Synnette C. Kinn

DATE

August 24, 2023

¹⁾ See Federal rules of Criminal Procedure Rules 3 and 54
Reviewing AUSA David P. Petermann

David P. Petermann

Digitally signed by DAVID PETERMANN
Date: 2023.08.24 12:21:12 -07'00'

